

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, DECEMBER 7, 2000**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:20 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

Commissioner Smyth MOVED THAT THE DECISION ONLY ON 2232-P00-13, BELL ATLANTIC MOBILE, INC., BE FURTHER DEFERRED TO A DATE CERTAIN OF FEBRUARY 8, 2001.

Commissioners Alcorn and Kelso seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioner Murphy absent from the meeting.

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Commissioner Palatiello noted that the Policy and Procedures Committee would meet on December 14, 2000 at 7:30 p.m. in the Board Conference Room.

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Commissioner Wilson reminded the Commission that a workshop on the proposed Zoning Ordinance Amendment (Planned Residential Mixed Use District) would be held on December 13, 2000 at 7:00 p.m. in the Board Conference Room.

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FS-V00-110 - METRICOM, INC., South Run Park

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY METRICOM, INC. FOR THE EXISTING VIRGINIA POWER TOWER, LOCATED IN AN EASEMENT IN SOUTH RUN PARK AT POHICK ROAD AND SOUTH RUN ROAD, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

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SE-00-V-040 - W & N COMPANY

(Decision Only - Public Hearing held on November 30, 2000)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE SE-00-V-040, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 5, 2000.

Commissioners Alcorn and Kelso seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD MODIFY THE TRANSITIONAL SCREENING AND WAIVE THE BARRIER REQUIREMENT AS SHOWN ON THE GDP/SE PLAT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Palatiello and Wilson not present for the vote; Commissioner Murphy absent from the meeting.

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RZ-2000-SU-032 - INOVA HEALTH CARE SERVICES

SEA-84-C-076-6 - INOVA HEALTH CARE SERVICES

(Decision Only - Public Hearing held on November 29, 2000)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT RZ-2000-SU-032 BE APPROVED, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS DATED DECEMBER 6, 2000.

Commissioner Kelso seconded the motion which carried by a vote of 7-0-3 with Commissioners Alcorn, Smyth and Wilson abstaining; Commissioner Palatiello not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Koch MOVED THAT SEA-84-C-076-6 BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 2.

Commissioner Kelso seconded the motion which carried by a vote of 7-0-3 with Commissioners Alcorn, Smyth and Wilson abstaining; Commissioner Palatiello not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Koch MOVED THAT WE RECOMMEND THAT THE TRANSITIONAL SCREENING YARD REQUIREMENT BE MODIFIED OR WAIVED ALONG THE EASTERN BOUNDARY AND THAT THE BARRIER REQUIREMENT BE MODIFIED OR WAIVED ALONG THE EASTERN BOUNDARY IN FAVOR OF THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN AND THE SPECIAL EXCEPTION PLAT REFERENCED IN THE PROFFERS AND DEVELOPMENT CONDITIONS.

Commissioner Kelso seconded the motion which carried by a vote of 7-0-3 with Commissioners Alcorn, Smyth and Wilson abstaining; Commissioner Palatiello not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Koch MOVED THAT WE RECOMMEND THAT THE PREVIOUSLY GRANTED MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVERS OF THE BARRIER ON THE OTHER BOUNDARIES OF THE APPLICATION PROPERTY BE REAFFIRMED.

Commissioner Kelso seconded the motion which carried by a vote of 7-0-3 with Commissioners Alcorn, Smyth and Wilson abstaining; Commissioner Palatiello not present for the vote; Commissioner Murphy absent from the meeting.

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RZ-2000-LE-028 - CATON FAMILY LTD.

(Decision Only - Public Hearing held on November 29, 2000)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2000-LE-028, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 29, 2000 AND ATTACHED AS PART OF THE STAFF REPORT ADDENDUM.

Commissioners Hall and Koch seconded the motion which carried by a vote of 7-0-3 with Commissioners Alcorn, Smyth and Wilson abstaining; Commissioner Palatiello not present for the vote; Commissioner Murphy absent from the meeting.

Commissioner Kelso MOVED THAT A COPY OF THE FINAL SITE DEVELOPMENT PLAN BE TRANSMITTED BY DPW&ES TO THE LEE DISTRICT SUPERVISOR'S OFFICE FOR REVIEW AND COMMENT BY THE LEE DISTRICT PLANNING COMMISSIONER PRIOR TO ISSUANCE OF SITE DEVELOPMENT PERMIT AND ASK THAT STAFF SO NOTIFY DPW&ES, SITE REVIEW DIVISION.

Commissioner Koch seconded the motion which carried by a vote of 7-0-3 with Commissioners Alcorn, Smyth and Wilson abstaining; Commissioner Palatiello not present for the vote; Commissioner Murphy absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. 2232-V00-31 - COX COMMUNICATIONS, INC.
2. 2232-D00-30 - COX COMMUNICATIONS, INC.
3. RZ-2000-MV-038 - LANDMARK PROPERTY DEVELOPMENT
FDP-2000-MV-038 - LANDMARK PROPERTY DEVELOPMENT, LLC
4. SE-00-V-033 - WILLIAM V. BALDWIN

This order was accepted without objection.

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The first case was in the Mount Vernon District. Therefore, Vice Chairman Byers relinquished the chair to Secretary Harsel.

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2232-V00-31 - COX COMMUNICATIONS, INC. - Appl. under provisions of Sects. 15.2-2204 & 15.2-2232 of the Code of VA to construct a cable hub site at 9245 Plaskett Lane, Lorton. The proposed facility will consist of a one-story structure, which will house fiber electronic equipment, & related site work. Equipment for Fairfax County's Institutional Network (I-NET) system will be co-located on the property Tax Map 107-4((10))16 pt. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Ms. Pamela Nee, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended that the application be found to be substantially in accord with the provisions of the adopted Comprehensive Plan.

Ms. Inda Stagg, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, stated that if approved, the subject facility would be the second of six proposed hub sites located in Fairfax County to establish a fiber optic cabling communications system. She explained that the fiber optic network would be owned by the County and the structures owned by Cox Communications. She noted that it would be a low impact use with a maximum of three employees on site at any one time with no antennas or towers and no displayed signs. She said the applicant had met with the Lorton Federation of Communities and the Mount Vernon Council of Citizens and their concerns had been addressed.

In response to a question from Commissioner Wilson, Ms. Lyn Ganschietz, Director of Governmental Affairs, Cox Communications, said that Cox would build the institutional network and the home subscriber network. She noted that the institutional network would be owned by

the County and would link 400 County buildings in a voice video and data network. She pointed out that Cox Communications would own the home subscriber network.

Secretary Harsel called the first listed speaker and recited the rules for testimony before the Commission.

Mr. Mike Bruns, 3905 Rive Drive, Alexandria, said he owned property adjacent to the proposed facility. He expressed support for the application noting that it would provide County-wide benefits, was in conformance with the Comprehensive Plan and had community support.

There were no further speakers. Ms. Stagg had no rebuttal statement. There were no comments or questions from the Commission and no closing staff remarks, therefore, Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim transcript of summary remarks and the motion are in the date file.)

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Commissioner Byers MOVED THE PLANNING COMMISSION APPROVE, IN ACCORDANCE WITH SECTION 15.2-2232, THE PROPOSAL BY COX COMMUNICATIONS TO CONSTRUCT A CABLE HOUSE AT 9245 PLASKETT LANE IN LORTON AND FIND IT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Palatiello not present for the vote; Commissioner Murphy absent from the meeting.

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Vice Chairman Byers resumed the Chair.

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2232-D00-30 - COX COMMUNICATIONS, INC. - Appl. under Sects. 15.2-2204 & 15.2-2232 of the Code of VA, to construct a cable hub site at 11504 Leesburg Pi. The proposed facility will consist of a one-story structure, which will house fiber electronic equipment, & related site work. Equipment for Fx. Co.'s Institutional Network (I-NET) system will be co-located on the property Tax Map 11-2((1))19. DRANESVILLE DISTRICT. PUBLIC HEARING.

Mr. David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the application be found to be substantially in accord with the provisions of the adopted Comprehensive Plan.

At Commissioner Downer's request, Mr. Jillson showed the Commission a rendering of the proposed building, and noted that it was architecturally compatible with the adjacent Dranesville Church of the Brethren.

Ms. Inda Stagg, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, stated that the Great Falls Citizens Association had voted to support the application with conditions. She said these conditions included a smaller vehicular entrance, reduction of the right-of-way on the

north side of Leesburg Pike, the use of motion lights, and prohibiting street lights on Route 7. She noted that they would require waivers from the Department of Public Works and Environmental Services which she said had been requested and would be pursued by the applicant. She said the community requested that native vegetation be used in keeping with the historic nature of the church would require a modification of transitional screening. She explained that at the request of the Citizens Association, the County Archeologist had reviewed the site and determined that it was not historically sensitive.

Vice Chairman Byers called for speakers from the audience.

Ms. Marian Campbell, 11494 White Oak Court, Herndon, a Trustee of the Dranesville Church of the Brethren, asked if the generators located on the application property would produce noise and if the building could be reduced in height. She said that no one from Cox Communications had contacted the Church to discuss the proposed facility.

In response to a question from Commissioner Downer, Ms. Campbell said the Church had received a notice of the proposed development only last week which did not allow time for a meeting to be scheduled with Cox Communications.

In response to a question from Vice Chairman Byers, Mr. Jillson said that notices had been sent on November 13, 2000 by first class mail. Responding to a question from Commissioner Harsel, Mr. Jillson said the church notification had been sent to the Trustees of the Dranesville Church of the Brethren, 11494 White Oak Court, Herndon.

There were no further speakers. Vice Chairman Byers called upon Ms. Stagg for a rebuttal statement.

Ms. Stagg said that the applicant had been told by the Dranesville District Supervisor's office to contact the Great Falls Citizens Association. She explained that she had been under the impression that this organization represented the church since their primary concern had been the compatibility of the proposed facility with the historic nature of the church. She apologized for this oversight.

Ms. Stagg and Mr. Bob Tremaine, an architect with Herbst and Musciano, responded to questions from Vice Chairman Byers and Commissioner Harsel about the proposed height of the building, the roof and the façade roof.

Ms. Stagg responded to questions from Commissioners Hall and Downer and Vice Chairman Byers about the generators.

Commissioner Downer noted that she would be deferring a decision on this application so that the applicant could meet with representatives of the church to address their concerns.

Mr. Craig Stutzman, 1357 Shallow Ford Road, Herndon, a deacon of the Dranesville Church of the Brethren, requested that the generators be soundproofed and startup times be scheduled when the church was not holding services. He expressed the church's desire to cooperate with the applicant in any way it could.

Responding to a question from Vice Chairman Byers, Mr. Stutzman said that Mrs. Campbell had received notification of the proposed facility, but that the church had not had adequate time to respond to it.

Mr. Forrest Gilkerson, address unknown, steward of the church, said generator noise could be very loud and its enclosure would not muffle the sound. He said it would be very intrusive if the generators were started up during church services.

Ms. Stagg had no further rebuttal remarks and there were no closing staff comments. Therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Downer for a deferral motion. (A verbatim transcript of summary remarks and the deferral motion are in the date file.)

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Commissioner Downer MOVED THAT APPLICATION 2232-D00-30 BE DEFERRED TO A DATE CERTAIN OF DECEMBER 14, 2000, FOR DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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The next applications were in the Mount Vernon District. Therefore, Vice Chairman Byers relinquished the Chair to Secretary Harsel.

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RZ-2000-MV-038 - LANDMARK PROPERTY DEVELOPMENT, LLC -
Appl. to rezone from C-2, C-8 & HC to PDH-8 & HC to permit residential development at a density of 7.34 du/ac & approval of the conceptual development plan on property located generally in the S.E. quadrant of Richmond Hwy. & Radford Ave. on approx. 5.31 ac. Comp. Plan Rec: 5-8 du/ac. Tax Map 101-3((1))25. (Concurrent w/FDP-2000-MV-038.) MT. VERNON DISTRICT.

FDP-2000-MV-038 - LANDMARK PROPERTY DEVELOPMENT, LLC -
Appl. to approve the final development plan for RZ-2000-MV-038 to permit residential development on property located generally in the S.E. quadrant of Richmond Hwy. & Radford Ave. on approx. 5.31 ac. zoned PDH-8 & HC. Tax Map 101-3((1))25. (Concurrent w/RZ-2000-MV-038.) MT. VERNON DISTRICT. JOINT PUBLIC HEARING.

Mr. John Thillmann, agent for the applicant, reaffirmed the affidavit dated July 10, 2000. There were no disclosures by Commission members.

Ms. Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Lewis responded to questions from Commissioner Harsel concerning Proffer 8d, which required the applicant to send notice to the owner of parcel 23 by certified mail, receipt requested so that he could demonstrate that he had contacted the owner to seek permission to conduct off-site landscaping.

In response to a question from Commissioner Alcorn, Ms. Angela Rodeheaver, Department of Transportation, explained that staff had recommended denial of the waiver of the service drive because it was needed to provide access to Radford Avenue. Ms. Lewis added that if the service drive was not waived, open space in that area would be eliminated.

Ms. Rodeheaver responded to further questions from Commissioners Byers and Harsel concerning the service drive.

Mr. Thillmann said that the proposed 38 homes, designed for empty-nesters, would revitalize a blighted area along Richmond Highway and stabilize the Mount Zephyr community located behind it. He described the design of the proposed development and houses and noted that sidewalks would be constructed on both sides of the streets. He explained that a service drive would eliminate open space which included a stormwater management pond which could not be waived. He said if the pond were moved back, it would result in a loss of units, making the project economically infeasible. He pointed out that although townhouses could be built, they would not generate enough revenue to make the project viable and would be a poor use of the land. He said other reasons to waive the service drive requirement were because they were undesirable along a major arterial road and would allow commercial access to a residential area. He noted that the Mount Zephyr community, the Mount Vernon Planning and Zoning Committee, the Mount Vernon Transportation Committee and the Mount Vernon Council of Citizens Associations supported the proposed development.

Mr. Thillmann and Ms. Rodeheaver responded to questions from Commissioners Alcorn and Harsel about access to the proposed development

Secretary Harsel called the first listed speaker.

Ms. Shirley Kappa, 8429 Washington Avenue, Alexandria, representing the Mount Zephyr Homeowners Association, expressed strong support for the proposed development without the service drive. She said it was a quality development and would enhance the Mount Zephyr community. (A copy of her remarks is in the date file.)

Ms. Marilyn Dee, 8537 Richmond Avenue, Alexandria, representing the Mount Vernon Council of Citizens Associations, said the Council had passed a resolution supporting the project because it would eliminate a blighted area on Richmond Highway. (A copy of her remarks and the resolution are in the date file.)

There were no further speakers, therefore, Secretary Harsel called upon Mr. Thillmann for a rebuttal statement.

Mr. Thillmann pointed out that the subject parcel represented only about one-half the frontage along Richmond Highway between Radford Avenue and Mohawk Drive and that the service drive would only be necessary after Richmond Highway was improved.

In response to a question from Secretary Harsel, Mr. Thillmann said all the necessary dedications along Richmond Highway had been made.

There were no further comments or questions from the Commission. Staff had no closing staff remarks, therefore, Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on these applications. (A verbatim transcript of summary remarks and the motions are in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE RZ-2000-MV-038 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 7, 2000.

Commissioner Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Downer abstaining; Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2000-MV-038, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 7, 2000, SUBJECT TO THE APPROVAL OF THE REZONING AND THE CDP.

Commissioner Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Downer abstaining; Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS WAIVE THE SERVICE DRIVE REQUIREMENT ALONG RICHMOND HIGHWAY.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-3 with Commissioners Alcorn, Downer and Smyth abstaining; Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE THE WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Downer abstaining; Commissioner Murphy absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD WAIVE THE LIMITATION ON FENCE HEIGHT PURSUANT TO PARAGRAPH 8 OF SECTION 16.41 TO PERMIT A SEVEN FOOT FENCE ALONG RICHMOND HIGHWAY.

Commissioner Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Downer abstaining; Commissioner Murphy absent from the meeting.

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SE-00-V-033 - WILLIAM V. BALDWIN - Appl. under Sect. 2-904 of the Zoning Ord. to permit uses in the floodplain on property located at 1225 Belle Haven Rd. on approx. 8,400 sq. ft. of land zoned R-3. Tax Map 83-4((2))(35) 501. MT. VERNON DISTRICT.
PUBLIC HEARING.

Mr. Louis V. Genuario, Jr., agent for the applicant, reaffirmed the affidavit dated November 20, 2000. Commissioner Kelso disclosed that R. C. Fields, agent for the applicant, was employed by his firm as a consultant, but that he did not believe this relationship would affect his consideration of the application in any way.

Ms. Catherine Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Genuario stated that he concurred with the staff report and the proposed development conditions. He said the necessary waiver of the Chesapeake Bay Preservation Ordinance had been approved by the County. He noted that a wetlands analysis had been submitted to the U.S. Army Corps of Engineers. He said the applicant was in agreement with Development Condition Number 15 requiring the disclosure of potential flood hazards to potential home buyers.

In response to a question from Commissioner Byers, Mr. Genuario said he was aware that if necessary permissions from the Corps of Engineers were not granted, special exception approval would be null and void.

Secretary Harsel called for speakers from the audience.

Mr. Joseph Vallieres, address unknown, said he currently had a contract for the purchase of property at 6301 Potomac Avenue, located adjacent to the subject property. He requested that it be determined if the property was located in a Resource Protection Area.

There were no further speakers. Therefore, Secretary Harsel called upon Mr. Genuario for a rebuttal statement.

Mr. Genuario said a wetlands delineation performed by Wetlands Solutions had concluded that no jurisdiction wetlands or other waters of the U. S. were present on the site. He said this delineation had been submitted to the U. S. Army Corps of Engineers and that Development Condition Number 10 addressed this issue.

Mr. Genuario responded to a question from Commissioner Smyth about uses of surrounding properties.

Ms. Belgin, addressing the concern raised by Mr. Vallieres, said that all land located in a floodplain in the County was considered a Resource Protection Area.

In response to a question from Commissioner Kelso, Ms. Belgin said the proposed development was in compliance with all setback requirements.

There were no further comments or questions from the Commission and no closing staff remarks. Therefore, Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim transcript of summary remarks and the deferral motion are in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE SE-00-V-033, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 6, 2000.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Hall abstaining; Commissioner Murphy absent from the meeting.

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Secretary Harsel relinquished the Chair to Vice Chairman Byers who adjourned the meeting.

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The meeting was adjourned at 10:12 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: September 12, 2001

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission